

**Nursing Licensure Compact
Legislative Session 2007**

EXHIBIT 1
DATE 2/16/07
HB 624

Montana State Board of Nursing

WHAT IS THE NURSE LICENSURE COMPACT (NLC) and HOW DOES IT WORK?

- A "compact" is a mutual recognition model for licensure that permits a nurse (RN or LPN) to hold one license in his/her home state (the "primary state of residency"), but can practice in other states that have entered into the compact ("party states")
- In order to achieve mutual recognition, each state must enter into the compact through the legislative process
- Such legislation must have "substantive sameness"; it needs to mirror, or be identical to the legislation in other states, or the compact may not be binding or recognized by other states
- Nursing practice across state lines is then allowed (practice privilege) with other compact states (by any mechanism – physical or electronic, i.e. telehealth), but is not automatically granted to all licensees – some nurses may be issued a single state license only

For example, if a nurse's license is under discipline, or if a monitoring agreement restricts the nurse from practicing in other compact states, s/he would be issued a single state license

STATE OF RESIDENCY DETERMINES JURISDICTION:

- The NLC is similar to many other familiar activities based on state of residence, including obtaining a driver's license, paying taxes, and voting
- Given the many employment environments in which nurses work, mutual recognition provides less confusion about where a nurse resides than about the location of his/her primary state of practice. Linking licensure with practice is problematic for nurses not currently employed or moving in and out of the workforce.
- Locating a nurse in the event of a complaint/investigation would be more readily accomplished with a residence or address link, rather than a practice or employment link
- Home state action affects the ability to practice in all party states

SCOPE OF PRACTICE FOR RN/LPN IN THE NLC:

- Nurses are held accountable to the laws and regulations in the state where the patient/client is located at the time care is rendered, which acknowledges the jurisdiction of that state's Board of Nursing
- Accountability for safe practice is no different than in the traditional licensure model

ELIGIBLE LICENSE TYPES:

- With a compact license from the home state, an RN or LPN is granted "multistate privilege" to practice in other compact states

- **THIS DOES NOT INCLUDE ADVANCE PRACTICE REGISTERED NURSES (APRNs) at this time, although the APRN model act has been approved by the National Council for State Boards of Nursing**
- **A nurse applying for a license to a compact state from a non-compact state will be issued a single state license; s/he will not be granted the multistate privilege to practice in any compact state.**

The exception would be if that nurse is changing residency to a compact state and declares that new state his/her primary state of residency. In this case, the nurse applies for a license in his/her new state of residency within 30 days of the change.

VERIFICATION OF LICENSURE AND EMPLOYER RESPONSIBILITY:

- **Employers of nurses in compact and non-compact states are responsible for checking licensure status of each nurse prior to employment and periodically thereafter. The employer is responsible for ensuring that the nurse holds a home state license and is eligible for a practice privilege in the nurse's state of practice.**
- **The state that issues the nursing license can verify that license by many mechanisms. In Montana, that can now be performed online via the "Licensee Lookup" feature on the Board of Nursing's website. This feature will include necessary information so the user will be able to identify the license as compact versus single state.**
- **The nurse compact is designed to facilitate the regulation of nurses**
 - **It MAY NOT relieve employers from complying with contractual and statutorily imposed obligations, and**
 - **It MAY NOT supersede existing state labor laws**
- **A nursing strike typically occurs as a last resort and mandates prior notice to affected facilities; there is time for contingency planning. Implementation of the NLC will do nothing to reduce practical obstacles in this situation, such as travel nurse assignments, physical relocation of nurses, etc, which are concerns addressed by the facility. Even traveling nurses have to finish current assignments.**
- **Issuing temporary permits allows timely licensing for employers who need nurses quickly for any reason; the Board of Nursing in Montana currently issues a temporary permit for routine applicants in less than 3 days. However, the NLC will not require this step if the nurse is from a compact state.**

REPORTING OR PROCESSING COMPLAINTS IN THE NLC:

- **Complaints may be reported to either the home state (primary state of residency) or the remote state (state of practice).**
- **Both states may conduct an investigation and such information would be shared between the party states.**
- **If the decisions of involved Boards is to take disciplinary action, the home state takes action against the license and the remote state(s) takes action against the nurse's practice privilege.**

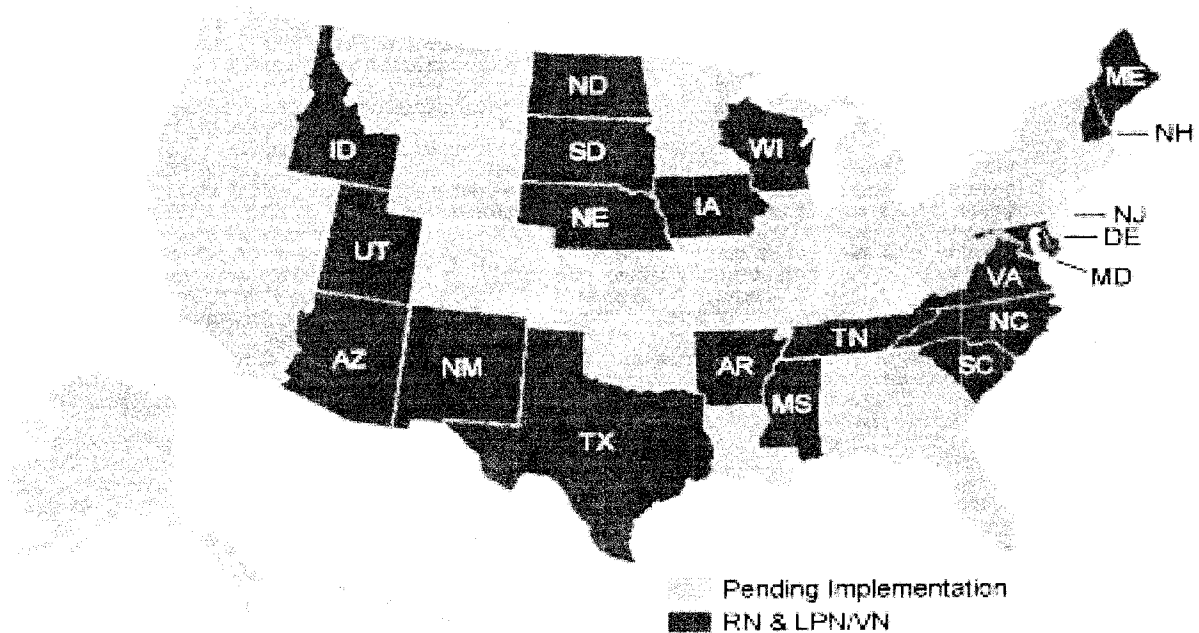
DOES THE NLC AFFECT THE AUTHORITY TO DISCIPLINE A LICENSE?

- **No, the compact does not impact the authority of the Board of Nursing in any party state. The NLC actually enhances the home state's ability to implement discipline through timely exchange of information.**

KEY OUTCOMES HAVE BEEN ACCOMPLISHED IN OTHER COMPACT STATES:

- 1) **Clarification of the authority to practice for many nurses currently engaged in telenursing or interstate practice; removal of traditional barriers to interstate practice**
- 2) **Expanded database to share pertinent information re a compact nurse's licensure status**
- 3) **Greater mobility for nurses**
- 4) **Improved access to licensed nurses during a disaster or other time of great need for qualified nursing services**
- 5) **Most importantly, improved access to nursing care**

STATES PARTICIPATING IN THE COMPACT AT THIS TIME



THE MONTANA BOARD OF NURSING WISHES TO ENACT THE NURSING LICENSURE COMPACT

WHY?

The first responsibility of the Board of Nursing is to the public who receives nursing care and services. We believe that through the NLC, states have simplified processes and removed governmental barriers to access to nursing care while maintaining state-based authority.

We believe it builds a strong regulatory model for the future, recognizes the rapid changes in healthcare, and serves to meet its mission to protect the public.